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JIA YUE  
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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 JIA YUE,

17 Defendant.  
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Case No. 3:09-cr 00917-VRW

**STIPULATION AND ~~[PROPOSED]~~  
ORDER TO SET CHANGE OF PLEA  
HEARING AND TO VACATE DATES  
REGARDING PENDING MOTIONS**

Date: April 28, 2010  
Time: 10:00 a.m.  
Dept: Courtroom 6, 17<sup>th</sup> Floor  
Judge: Chief Judge Vaughn R. Walker

Date Indict. Filed: September 17, 2009

Trial Date: To be determined

1 WHEREAS, the Court, by Order dated March 16, 2010 (Docket No. 51) ("Order"),  
2 continued a hearing on Defendant Jia Yue's Motion to Suppress (Docket No. 30), which was  
3 originally set for Wednesday, March 3, 2010, to Wednesday, April 28, 2010, at 10:00 a.m.; and

4 WHEREAS, the Court, by the same Order, ordered that Defendant may file a brief  
5 regarding the Motion to Suppress by April 16, 2010, at 5:00 p.m.; and

6 WHEREAS, the Court, by the same Order, ordered that the Government may file a reply  
7 brief regarding Defendant's Motion to Suppress by April 21, 2010, at 5:00 p.m.; and

8 WHEREAS, the Court, by the same Order and with regards to Defendant's Motion to  
9 Compel Discovery Related to Government's Loss or Destruction of Evidence (Docket No. 28),  
10 ordered the Government to establish by declaration or otherwise, no later than 5:00 p.m. on April  
11 16, 2010, that no evidence obtained from the August 10, 2006 search of Johnson Mai's house  
12 was destroyed, as described by Order dated February 4, 2010 (Docket No. 44), at 5:22-6:2; and

13 WHEREAS, Defendant and the Government have met and conferred and desire to enter  
14 into a plea agreement,

15 THEREFORE, it is stipulated by and between the Defendant and the Government that:

16 1. The evidentiary hearing on Defendant's Motion to Suppress, scheduled for  
17 Wednesday, April 28, 2010, at 10:00 a.m., shall be taken off calendar;

18 2. Other dates related to Defendant's Motion to Suppress shall be vacated;

19 3. Dates related to Defendant's Motion to Compel Discovery Related to  
20 Government's Loss or Destruction of Evidence shall be vacated; and

21 4. A change of plea hearing shall be set for Wednesday, April 28, 2010, at 10:00  
22 a.m.

1 The parties agree to this schedule and ask that it be so ordered by the Court.

2 SO STIPULATED.

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4 Dated: April 6, 2010

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6 By: /s/ Aaron D. Wegner  
AARON D. WEGNER  
Assistant United States Attorney

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9 Dated: April 6, 2010

KEKER & VAN NEST LLP


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11 By: /s/ Matan Shacham  
ELLIOT R. PETERS  
BROOK DOOLEY  
GALIA A. PHILLIPS  
MATAN SHACHAM  
Attorneys for Defendant  
JIA YUE

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15 **ORDER**

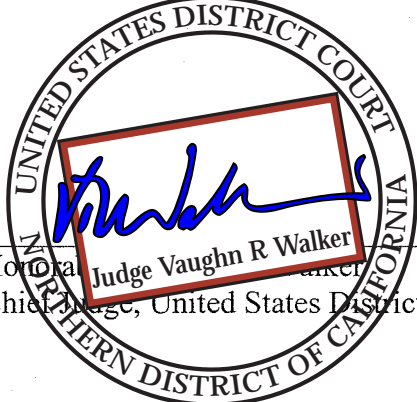
16 **FOR GOOD CAUSE HEREBY FOUND, THE FOREGOING STIPULATION IS**  
17 **APPROVED AND IS SO ORDERED.**

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19 Dated: April 8, 2010

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Honorable Judge Vaughn R. Walker  
Chief Judge, United States District Court



**ATTESTATION OF CONCURRENCE IN FILING**

I hereby attest that Aaron D. Wegner has concurred in the filing of this document.

/s/ Matan Shacham  
MATAN SHACHAM